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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,716	11/03/2003	Robert J. Simmons	J-BSIM.1007	3534
56703	7590	06/12/2006	EXAMINER	
ROBERT D. VARITZ, P.C. 4915 SE 33RD PLACE PORTLAND, OR 97202			SPAHN, GAY	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/699,716

Examiner

Gay Ann Spahn

Applicant(s)

SIMMONS, ROBERT J.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 April 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☒ C. Other See Continuation Sheet.

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_.

☒ 3. Amendments to the drawings:

- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d). *Page 1 refers to annotated sheet, but no sheet is labeled "Annotated Sheet."*  
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.  
☐ C. Other \_\_\_\_\_.

☐ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)  
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☐ E. Other: \_\_\_\_\_.

☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

  
Legal Instruments Examiner (LIE), if applicable

*(571) 272-2731*  
Telephone No.

Continuation of 1(c) Other: It appears that Applicant has attempted to amend the specification by replacing pages 6 and 7 thereof with replacement sheets which is improper as not complying with 37 CFR 1.121 which only allows for replacing entire paragraphs (see 37 CFR 1.121(b)(1)), replacing entire sections under a particular heading (see 37 CFR 1.121(b)(2)), or replacing the entire specification by substitute specification (see 37 CFR 1.121(b)(3)).

Continuation of 5 Other: The new Information Disclosure Statement does not include the fee required under 37 CFR 1.17(p).